

The situation at UC Berkeley seemed to be going from bad to worse.

No sooner had the Free Speech Movement quieted down than the Filthy Speech Movement erupted in early March 1965. Police arrested a young man for sitting on the Sproul Hall steps and displaying a sign whose sole content, as Hoover put it in a letter to President Johnson, was "a four letter word not utilized by people of good taste in mixed company."

The arrest led to more profanity, arrests and protests. Some angry regents demanded that Kerr immediately expel the students, but the president insisted on following established disciplinary procedures.

Under increasing pressure, Kerr suddenly announced his intent to resign on March 9, 1965. But Gov. Brown and the Berkeley faculty backed Kerr, and a divided Board of Regents persuaded him to stay.

Regents Roth and Dutton, a former assistant U.S. secretary of state and also a longtime supporter of Brown and Kerr, still wanted to know who was behind the continuing campus unrest.

On May 20 they requested an FBI briefing on "communist participation in the student riots." But DeLoach denied their request on the grounds that Dutton wanted to use it to brief the entire board and "was not authorized to receive information from our files." DeLoach added in a memo, "I told him of the confidential nature of our files."

In an interview, Dutton said he never asked the FBI for information on the protests.

Meanwhile, the Vietnam Day Committee (VDC) had begun using the Berkeley campus to organize some of the nation's largest anti-war protests.

Through the summer of 1965, VDC leader Jerry Rubin and other protesters tried to block troop trains passing through Berkeley to the Oakland Army base.

That fall, thousands of students joined the escalating protests.

To Pauley and the FBI, it was further proof that Kerr had lost control of the university.

Pauley confided to Grapp that two alumni were taking things into their own hands. They had recruited athletes to "beat up the demonstrators" and hired a barber to "forcibly 'shear' the students who need it."

In an interview, Grapp said he did not know if the alumni carried out their plan.

Grapp continued to slip Pauley anonymous memos about students and faculty -- at least two dozen more -- that he could use in persuading the regents to fire Kerr.

But in October, a frustrated Pauley told Grapp he was still "two votes short to fire Clark Kerr."

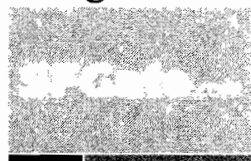
FBI headquarters had come to realize that the problem was Gov. Brown.

"Governor Pat Brown has injected himself into the move on the part of some of the Regents to oust Kerr," one of Hoover's top aides wrote on Oct. 28, 1965. "He regards the issue as a political one and would do everything in his power to retain Kerr as President."

Kerr would remain in charge of the university, it seemed, as long as Brown remained governor.

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the campus files

A Chronicle Special Report

The governor's race

Seth Rosenfeld, Chronicle Staff Writer

Sunday, June 9, 2002

San Francisco Chronicle

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With a fire crackling in the hearth behind him, Reagan faced the television camera and announced on Jan. 4, 1966, that he would run for governor of California.

To Hoover and other FBI officials who had been frustrated with Brown's and Kerr's failure to end the protests at UC, Reagan was a breath of fresh air.

Over the years, the bureau had taken note as the charismatic actor who wanted to star in "The FBI Story" transformed himself into a leading conservative spokesman.

Reagan had campaigned for Nixon against John F. Kennedy in 1960. The following year, Reagan told a conference of food executives in Chicago that the Communist Party "has ordered once again the infiltration" of the movie industry. "They are crawling out from under the rocks," he declared.

When Hoover saw a news story about Reagan's speech, he dispatched agents to question him. But the bureau's former informer backpedaled, admitting that he had no "first-hand information" about current subversives in Hollywood.

In 1962, Reagan raised money for a Southern California Republican congressman and John Birch Society member, John Rousselot.

That year, Reagan, as host of "General Electric Theater," produced a two-part television special about Marion Miller, who had infiltrated the

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Communist Party for the FBI and told all in a book, "I Was a Spy: The Story of a Brave Housewife."

Later in 1962, General Electric dropped Reagan from his \$150,000 per year job as company representative, concluding his speeches had become too politically extreme. That year Reagan switched his voter registration to Republican.

But it was his hugely successful 1964 television fund-raising pitch on behalf of Sen. Barry Goldwater's presidential bid -- "A Time for Choosing" -- that thrust Reagan into the national spotlight.

When Goldwater lost to Johnson that November, Reagan became the darling of the nation's conservatives, some of whom were soon urging him to challenge Brown for the governorship.

And as the genial host of the "Death Valley Days" television show tested the political waters, giving talks around the state, it seemed someone always brought up UC Berkeley -- and Reagan quickly warmed to the issue.



Appearing at the Greater Los Angeles Press Club in January 1965, Reagan said he approved of the arrests of the Free Speech Movement protesters.

"I'm sorry they did away with paddles in fraternities," he quipped.

Now, as Reagan formally entered the governor's race on Jan. 4, 1966, with his fireside chat, he made it clear that one of his major campaign issues would be the campus unrest at Berkeley.

"Will we allow a great university to be brought to its knees by a noisy, dissident minority? Will we meet their neurotic vulgarities with vacillation and weakness?" Reagan asked.

"Or will we tell those entrusted with administering the university we expect them to enforce a code based on decency, common sense and dedication to the high and noble purpose of the university?"

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'Meet the Press'

Hoover's top aides took special note when Reagan appeared on Jan. 9, 1966, on NBC's "Meet the Press."

Reagan was asked why he hadn't disavowed the John Birch Society, a group known for its far-reaching conspiracy theories.

Robert Welch, the society's founder, contended President Eisenhower and other leading U.S. officials had been communists and traitors. The group claimed to have thousands of members nationally and chapters throughout Southern California.

Under pressure to clarify his stand on the society for months, Reagan had issued a press release saying he never was a member of the group and disagreed with Welch's "reckless and imprudent statements."

On "Meet the Press," Reagan said he had not condemned the society itself because the Burns committee had looked into the group and found "nothing of a subversive nature."

The FBI, Reagan added, "has found nothing requiring an investigation of the John Birch Society."

But FBI officials knew the bureau's files contained a potentially explosive memo.

In June 1960, an informer whom the FBI memo described as "reliable" reported that Reagan secretly belonged to the organization's Beverly Hills chapter. The chapter included actors John Wayne, Adolphe Menjou and Zasu Pitts, columnist Hedda Hopper and screenwriter Morrie Ryskind, the informer told the bureau.

FBI files obtained by The Chronicle do not show whether the bureau investigated the claim or whether it is true, and DeLoach said in an interview that he had "no idea" about its veracity.

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John McManus, the current president of the John Birch Society, said Reagan never was a member of the group. Wayne, Menjou and Ryskind were involved with the society, he said, adding he did not know whether Hopper and Pitts were.

Lyn Nofziger, Reagan's press secretary during the 1966 campaign, said Reagan had no relationship with the society and avoided any appearance of a connection because "I thought it would have cost us votes."

But the bureau kept the informer's report safely locked away.

Overall, FBI officials noted of the "Meet the Press" show, "Reagan made a good appearance and was quite quick and witty in answering the numerous questions put to him which could have been considerably embarrassing to his future political ambitions."

'A leadership gap'

Reagan took the stage at San Francisco's Cow Palace on May 12, 1966. Standing beneath a huge American flag, he told the cheering crowd, the biggest of his campaign so far, that the latest report from the Burns committee was further proof that Kerr and Brown had to go.

The 153-page report accused Kerr of fostering an "anything goes" atmosphere that had turned the university into a haven for protesters and sex deviants.

The May 6 study, prepared by Combs, blamed the litany of campus problems on Kerr's long-standing refusal to cooperate with the Burns committee's "contact man" program to screen out "subversive" faculty.

Once again the Burns committee report ignited inflammatory headlines in Bay Area papers, such as "Report Says U.C. 'Base for Reds' " and "Senators Zero In on 'Filth.' "

Kerr hastily held a press conference and blasted the study as riddled with "distortions, half-truths and statements and situations taken out of context."

But Reagan seized on the thin red report to bolster his own charges of campus misconduct.

At the Cow Palace, he declared, "There is a leadership gap, and a morality and decency gap, in Sacramento. And there is no better illustration of that than what has been perpetrated . . . at the University of California at Berkeley, where a small minority of beatniks, radicals and filthy speech advocates have brought such shame to . . . a great university."

Claiming his sources had verified allegations in the report, Reagan demanded the dismissal of those responsible for "the degradation" of the University of California.

And he called for legislative hearings, saying, "This report cannot be swept under the rug."

Sources on campus

Reagan's car pulled up at the Piedmont home of Republican Assemblyman Don Mulford later that summer, and the candidate was ushered inside for a secret meeting.

Reagan had easily defeated San Francisco Mayor George Christopher in the June 7 GOP primary and was running all out against Brown.

But he broke from his intense campaign schedule for a two-hour meeting with Mulford, a longtime critic of Kerr and "special contact" of the San Francisco FBI.

Mulford had summoned to his home several university officials who despised Kerr and had been secretly feeding the FBI internal university information that, they believed, showed Kerr not only had tolerated campus dissent but might be subversive himself.

Among those at the August meeting were Alex Sherriffs, former vice chancellor at Berkeley; Hardin Jones, assistant director of UC's radiation lab; and John Sparrow, associate general counsel to the regents.

Sherriffs, who had bitterly opposed Kerr's handling of the Free Speech Movement, had steadily supplied the FBI with information from personnel files about students and professors involved in campus protests.

Jones had been a paid FBI informant and had helped the FBI set up a network of campus sources to gather allegations that went into FBI reports about campus demonstrations and Kerr. He had told the FBI he was working with the Burns committee "towards removing President Kerr." But Jones' claims about campus communism eventually became so exaggerated that the bureau began to doubt his credibility and stopped paying him.

Sparrow had contacted the FBI at Jones' suggestion after becoming disgusted with Kerr's handling of campus unrest. Sparrow confidentially gave information to the FBI -- as well as the Burns committee -- about campus unrest.

In an interview, Sparrow confirmed the meeting and acknowledged he was engaging in partisan activity against Kerr. He said he took the "extraordinary" actions against a member of the board he represented because he was concerned about the "welfare" of the university.

During their meeting at Mulford's, the three men briefed Reagan about "communist efforts to influence the students" at Berkeley. And they told Reagan that Kerr's removal was "vital" to the university's future.

Afterward, Reagan thanked Mulford for "a most interesting meeting.

"I very much appreciate the help of yourself and your associates in providing the true facts on this matter," Reagan wrote in an Aug. 17 letter.

A letter from Hoover

A week later, Hoover gave Reagan's campaign a boost when he endorsed the candidate's proposal to set up a new police training academy.

On Aug. 20, 1966, Reagan had announced his plan for a new anti-crime academy that would teach "police, sheriff's deputies and other law officers the newest methods in crime prevention and solution."

The academy would be located in Berkeley. And "with Mr. Hoover's help," Reagan said, "such a school could become a sort of FBI academy of California."

Reagan already had written the director to solicit his help.

"Because of your long record, not only of successfully fighting crime, but also of developing new techniques and methods, and because you have given the United States a crime-fighting force second to none in the world, we are eager to have your aid and advice in this project."

But there was a problem: Hoover had previously made clear that he did not support candidates for elective office.

"It is and always has been my firm policy to refrain from lending support to any candidate in campaigns for political office," he had said only a few months before.

But in Reagan's case, the director was making an exception.

"I can assure you that this Bureau is always willing to extend its cooperative services to any and all local, state and federal agencies in order to more effectively combat crime," the director replied in an Aug. 24, 1966, letter.

"I hope you will not hesitate to call upon the FBI for assistance in all matters of mutual interest."

DeLoach denied the FBI helped Reagan's campaign.

"Heavens no," he said. "We stayed 10 miles away from political campaigns. Why should a fact-finding investigative agency involve themselves in political campaigns?"

Ex-CIA leader joins campaign

Shortly after Labor Day, Reagan launched the final two months of his campaign with a new attack on Berkeley -- this time vowing to conduct a formal investigation of the campus protests with help from former CIA Director John McCone.

McCone had resigned from the CIA in April 1965 and joined Reagan's campaign in August 1966 as head of an executive policy advice committee.

In a major campaign address on Sept. 9, 1966, Reagan struck at both Kerr and Brown.

"I charge that there has been political interference, which has resulted in the appeasement of campus malcontents and filthy speech advocates under the pretense of preserving academic freedom.

"We must have a fair and open inquiry and we must maintain academic freedom for the university and keep it isolated from political influence.

"As governor, I will ask the most qualified man in California and the nation -- John McCone -- to conduct such an inquiry."

The Reagan landslide



On Nov. 8, 1966, Reagan defeated Brown by nearly 1 million votes, leading a Republican sweep of the major state offices that instantly made him a national political figure.

The next day, Hoover wrote Reagan:

"Heartiest congratulations upon your election as Governor of California," he said. "Your many friends

in this Bureau join me in the hope that your term in office will meet with every success, and we want you to feel free to let us know whenever we can be of service."

Lynum wrote Reagan on Nov. 14:

"May I convey my heartiest congratulations. . . . If we can be of any service in matters of mutual interest . . . please feel free to call on me."

Three days later, Grapp also wrote him:

"My associates in the Los Angeles Division of the FBI join me in extending to you best wishes for continued success and want you to know of our desire to assist you in any way possible."

In interviews, Lynum and Grapp said their letters were merely pro forma.

A message from Mulford

The same day, Mulford arrived at FBI headquarters in Washington, D.C., with a proposal.

Mulford, who was helping the governor-elect select members of his administration, urged FBI officials to take advantage of Reagan's election and "exploit the opportunity . . . to have Governor Reagan clean out the left-wing elements" at the University of California.

Reagan was setting up a committee under Phil Battaglia, who had been his campaign chairman and was now his chief of staff, and Mulford wanted to know if the bureau could give Battaglia information "to assist Governor Reagan in identifying communists and other left-wing extremists.

"The purpose will be either to eliminate them from the state government or to prevent their receiving an appointment to a state position," Mulford told a senior agent on Nov. 17, 1966. "Reagan is planning to clean up the University of California at Berkeley."

Battaglia, now a Southern California lawyer whose clients include the Hearst Corp., said he did not recall the matter.

The agent concluded his meeting with Mulford by giving him the FBI's stock reply: "The FBI could not be placed in the position of 'clearing' appointees to state positions."

But within a week, the director alerted all California FBI offices to Mulford's proposal:

"In the event that you, or another of the California offices is contacted by Reagan or one of his assistants regarding this matter," Hoover wrote, "the Bureau should be immediately advised of the details and no commitments should be made until instructions are received from the Bureau."

Reagan's denial

But the FBI had a problem.

As governor, Reagan would have access to UC's atomic research data. The Atomic Energy Act required the FBI to conduct a comprehensive background investigation of him.

The process started on Dec. 18, 1966, when Reagan filled out a Personnel Security Questionnaire that asked, among other questions:

"Are you now, or have you ever been, a member of any organization which has been designated by the United States Attorney General as required under the provisions of Executive Order 10450?

"Are you now, or have you ever been, a member of any foreign or domestic organization, association, movement, group, or combination of persons which is totalitarian, fascist, communist, or subversive . . . ?"

Applicants were required to list any such groups and the dates they were involved with them.

Reagan answered "no" to both questions on the form, which contained a warning that "any false statement herein may be punished as a felony."

Reagan received shining recommendations from everyone the FBI interviewed.

But files of the Los Angeles FBI office showed that in 1946 Reagan had been a sponsor and director of the Committee for a Democratic Far East Policy, which had been designated as subversive by the U.S. Attorney General under Executive Order 10450.

The records also showed that also in 1946 Reagan had been a member of the American Veterans Committee, the California section of which had been cited in a report by the predecessor of the Burns committee as "communist dominated and (as) a vociferous, decadent minority in national AVC affairs."

But Grapp, head of the L.A. office, approved a report that conformed to Reagan's Personnel Security Questionnaire -- omitting Reagan's association with the two groups officially deemed subversive.

When FBI officials in the bureau's headquarters read Grapp's report, they ordered him to amend the document to include Reagan's role in the groups.

The bureau could not risk the omission. Hundreds of people in the late 1940s and early 1950s had faced hearings and sometimes dismissals from federal employment for failing to disclose memberships in groups deemed subversive.

But the final report to the Atomic Energy Commission, prepared by FBI headquarters, did not mention Reagan's false statement that he had never belonged to a subversive organization, which by law could itself be reason to deny a security clearance.

Battaglia said he did not recall Reagan's security clearance application.

Meese, who joined the administration after Reagan signed the form, said he did not know why Reagan denied his past association with the groups.

DeLoach denied that the FBI gave Reagan special treatment in preparing the report.

But Grapp and another former agent told The Chronicle it was standard procedure for the FBI to point out discrepancies between an applicant's sworn statement and the bureau's findings.

"Yeah, sure, they'd put that in," Grapp said.

Inauguration warning

On Jan. 5, 1967, Reagan was sworn in as governor of California. In an inaugural address delivered on the steps of the state Capitol, he warned UC students to obey the rules or get out.

Nine days later, Reagan's office phoned Lynum and said Reagan was scheduled to meet with Kerr about "the Berkeley situation" in two days. Reagan wanted to meet with FBI officials beforehand.

The new governor was furious with Kerr, according to an FBI memo. Reagan's plan to cut the budget for higher education and impose tuition for the first time had leaked to the press. In response, Kerr had announced he would freeze early admissions to the university. New campus protests erupted and students burned Reagan in effigy.

Lynum hung up the phone after speaking with Lt. Gov. Robert Finch and immediately called FBI headquarters.

He urged the bureau to be cautious and not to meet with Reagan at that time. He suggested instead referring the new governor to "former university officials and others who are fully aware of the Berkeley situation."

An hour later, headquarters called Lynum back.

He was to meet with Reagan.

A bedside meeting

Lynum and Glenn Harter, his top domestic security agent, were led into Reagan's master bedroom in the governor's mansion in Sacramento on Jan. 16, 1967.

The flu-stricken Reagan had canceled the meeting he had scheduled with Kerr for that afternoon, but he still wanted to speak with the FBI about Berkeley.

Reagan's top aides were gathered around his king-size bed. But after perfunctory introductions, Lynum reminded the governor that Hoover had authorized only a private meeting.

Reagan looked around the room.

"Well, you heard him, boys," he said, Lynum told The Chronicle.

After agreeing that their conversation would be held in strict confidence, Lynum and Harter gave Reagan a 45-minute briefing about the turmoil at UC. "I told him what I knew," Lynum said.

But Reagan also wanted a wide range of intelligence from the bureau.

"Governor Reagan specifically requested any information on University President Clark Kerr, any subversive information on any of the University Regents and any information the FBI developed indicating a demonstration was to be held on the campus or at press conferences," an FBI memo said.

Some of his press conferences, the governor explained, could be "stacked with 'left wingers' who might make an attempt to embarrass him and the state government."

Reagan also asked for advance information on "any demonstrations against him or the university administrations."

As Hoover had instructed, Lynum made no commitments. He told Reagan the bureau had not investigated the university and referred Reagan to the Burns committee's most recent report about subversive activities on campus.

Then he and Harter returned to San Francisco and sent an urgent report to the director.

Hoover plan

Hoover seized the chance to help Reagan clean up Berkeley.

"This presents the Bureau with an opportunity to take positive steps to thwart the ever increasing agitation by subversive elements on the campuses," he noted on a memo to his aides.

"Agitators on other campuses take their lead from activities which occur at Berkeley.

"If agitational activity at Berkeley can be effectively curtailed, this could set up a chain reaction which will result in the curtailment of such activities on other campuses throughout the United States," Hoover noted.

"Reagan is obviously determined to take appropriate action to quell the unrest on the Berkeley campus."

In an interview, DeLoach said, "Mr. Hoover obviously felt that Gov. Brown was not putting up a strong stand" against the campus unrest because of his "being friendly with Kerr." DeLoach added, "Consequently later on, (Hoover) felt friendly towards Reagan and dealt with him -- but not with Brown and Kerr."

Hoover wanted to help Reagan, but was concerned that the FBI's role might be exposed. So in his customary blue ink, the director outlined a plan that would not leave a paper trail leading back to the bureau.

According to the plan, Lynum would warn Reagan about any future protests at Berkeley or at his press conferences. But officially, he would tell Reagan the FBI had "no pertinent information" about Kerr or the regents.

Instead, senior FBI official Charles Brennan, who "has the qualifications and ability to handle this sensitive matter," would confidentially brief Reagan.

"We cannot furnish the governor anything else," Hoover said. "We do not know him well enough and we would possibly be involved in an academic war."

The showdown

Three days later, on Jan. 20, 1967, while Savio and others demonstrated outside University Hall against Reagan's proposal to impose tuition, Reagan arrived for his first regents meeting.



Reagan's election as governor had dramatically shifted the balance of power on the board. Three of Kerr's staunchest defenders, including Brown, were replaced by Reagan, Finch and Allan Grant, Reagan's new state Department of Agriculture chief.

The morning of the meeting, Kerr had met privately with board chairman Theodore Meyer, a San Francisco lawyer, and vice chair Dorothy Chandler, wife of Los Angeles Times publisher Otis Chandler, to clarify his future as university president.

If the regents were going to fire him, they should do it now, Kerr told them, since as a lame duck he would be ineffective in negotiating the budget with the state Legislature.

In a second meeting, Meyer and Chandler asked Kerr to resign, Kerr said in an interview, but he refused. The university was constitutionally independent, he told them, and he did not want to contribute to the idea that each new governor had the right to pick a president.

Reagan arrived after noon. During the campaign he had vowed to fire Kerr, but his former aides told The Chronicle that he planned to wait several months so the dismissal would not look purely political.

Kerr's refusal to resign, however, had forced a showdown. And after the governor joined the meeting, Kerr left the room.

For the next two hours, the regents discussed Kerr. Finally, Grant made a motion to fire Kerr. When other regents noted that Grant's motion might appear to be politically motivated, Laurence Kennedy Jr., a Redding attorney who had been appointed by Brown, moved to fire Kerr.

Thirteen votes were needed.

The vote was 14-8.

An invitation

Soon after Kerr's firing, Reagan wrote Hoover saying he was pleased to learn the FBI was opening a Sacramento office.

"This will more ably assist all of us in our continuing fight against crime and subversion. . . . I am vitally interested in doing everything I can to combat the moral decay as shown by our rising crime rate in our country today, . . ." Reagan's Feb. 27, 1967, letter said. "Please accept my personal assurance that your agency will have the most complete cooperation possible from my office."

In a handwritten note, Reagan added, "P.S. I've just always felt better knowing your men are around."

On March 7, 1967, Hoover replied, "I do hope you will not hesitate to call on upon us whenever we can be of service I share your confidence that a great deal can be accomplished by working together."

Crackdown on campus

Reagan had made a campaign pledge to impose order on campus, and he meant to keep it.

The new governor quickly took a much more hands-on approach to the university than did Brown, scrutinizing not just the university's budget but course content and faculty appointments.

And the FBI began providing his administration with information about campus protests and background reports on prospective university employees.

On Jan. 18, 1968, Hoover met with Reagan and his legal affairs secretary, Edwin Meese III, at FBI headquarters. Afterward, Hoover wrote, "The Governor called to . . . renew his friendship. We discussed generally some of the problems which the Governor has had to face up to at the University of California and his determination to see that law and order are maintained there."

But protests at UC Berkeley and campuses across the nation intensified in opposition to the war in Vietnam and the draft.

And in May 1969, violence erupted over the university's plan to build dormitories on a vacant lot near the Berkeley campus known as People's Park.

Reagan placed the entire city under martial law and dispatched tear gas-spraying helicopters and riot police who shot and killed one man and wounded others. Several officers also were injured. Hundreds of people were arrested.

Two months later, Herbert E. Ellingwood, one of Reagan's top legal advisers, met with DeLoach at FBI headquarters.

In the July 17, 1969, meeting, Ellingwood bluntly expressed the Reagan administration's frustration with protests and the university officials handling them.

Still, he said, "Governor Reagan is dedicated to the destruction of disruptive elements on California campuses."

The Reagan administration "will attack these groups" through several methods, Ellingwood said. These included "hounding the groups as much as possible by bringing any form of violation available against them." For example, he said, "If any of these groups has a bookstore on campus they will bring building code violations against them."

Reagan officials also may refer "tax violations (of the dissenters) both to the Internal Revenue Service of the State of California and to the Federal Internal Revenue Service."

Finally, the administration would mount a "psychological warfare campaign," said Ellingwood, adding that he would "confer with Department of Defense officials today to get ideas from those individuals as to how to conduct campaigns of this nature."

Meese told The Chronicle, "I have no recollection at all of us planning to do these things. . . . There was never any concentrated strategy to do these things."

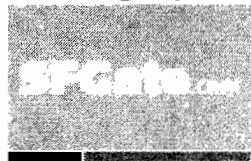
As Ellingwood ended his meeting with DeLoach, he asked if the FBI would give Reagan more intelligence reports.

Hoover swiftly agreed.

"This has been done in the past," the director noted, "and has worked quite successfully."

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the campus files

A Chronicle Special Report

The legacy of the FBI's UC activities

Seth Rosenfeld, Chronicle Staff Writer

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San Francisco Chronicle

In spring 1970, anti-war protests peaked when President Nixon told the nation that U.S. troops had invaded Cambodia. More than 400 universities were shut or on strike.

On May 4, National Guardsmen called to quell protests at Kent State University in Ohio shot and killed four students. On May 15, two students protesting the war were shot and killed at Jackson State College in Mississippi.

Only as the United States began a complete withdrawal from Vietnam would the waves of campus protest recede.

On May 2, 1972, J. Edgar Hoover died of a heart attack at age 77, after 48 years as FBI director. In an internal memo the year before his death, he expressed profound fear of the Freedom of Information Act, which had gone into effect five years earlier.

"I sense utter fright as to the Freedom of Information Act," Hoover wrote, worried that the law would open bureau files to "every 'kook,' 'jackal' and 'coyote.' "

Reagan, 91, lives in Los Angeles. After mid-1970s congressional hearings exposed unlawful FBI spying on citizens, he came to the bureau's defense, charging in a June 1977 radio talk that the FBI was being treated "as if it were some kind of secret police." Elected president in 1980, Reagan narrowed the FOIA and broadened FBI intelligence operations. A few years later, the FBI was caught spying on more than 100 domestic groups that opposed Reagan's foreign policy.

Clark Kerr, 91, lives in El Cerrito. After his dismissal as UC president -- and the FBI's misleading

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background report about him -- he never received another White House appointment. He worked as an educational consultant, had the Clark Kerr Campus at UC Berkeley named for him and published a memoir.

In the late 1970s he requested his FBI files under the FOIA, but the bureau did not release them to him. Until he was contacted by The Chronicle, he said, Kerr was unaware of any of the FBI's unlawful campus activities or its campaign to fire him.

E-mail Seth Rosenfeld at srosenfeld@sfchronicle.com.

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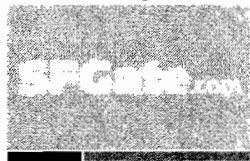
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the campus files

A Chronicle Special Report

The 17-year legal battle to get the campus files

Seth Rosenfeld, Chronicle Staff Writer

Sunday, June 9, 2002

San Francisco Chronicle

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The FBI spent more than 15 years and \$1 million trying to suppress records revealing its unlawful covert activities at the University of California and its campaign to fire then-UC President Clark Kerr.

In 1981, Chronicle reporter Seth Rosenfeld, then a journalism student at UC Berkeley, sent the FBI a Freedom of Information Act request for "any and all" records on more than 100 people, events and groups involved in controversies at UC over academic freedom, civil rights and national policy.

The FOIA requires federal agencies to release public records in a timely way, so people know "what their government is up to." But the bureau refused to comply with the request. Only after a protracted legal fight that reached the U.S. Supreme Court did the FBI agree to release the withheld information.

Totaling more than 200,000 pages, those papers constitute one of the single largest releases of FBI records under the FOIA. In court, the bureau estimated it cost more than \$900,000 to process the request.

Many of those documents are the basis for today's story.

The released documents provide dramatic before-and-after examples of the FBI's attempts to cover up unlawful intelligence activities:

- The FBI excised much of a July 17, 1969, memo titled "New Left and Extremist Movements," on law enforcement grounds. The uncensored memo

The 17-year legal battle to get the campus files

reveals that a top Reagan aide was discussing the governor's plans for "the destruction of disruptive elements on California college campuses" through "psychological warfare" and other methods.

- The FBI at first deleted parts of a Jan. 16, 1967, teletype concerning a confidential request from Gov. Reagan for bureau information, claiming the deleted information concerned law enforcement. The fully released memo shows Reagan wanted political information on Kerr and UC regents.

- The FBI initially blacked out most of an Oct. 16, 1958, memo on the grounds that the deleted parts concerned a "law enforcement purpose." The fully released version shows the document actually concerned a plot to get Kerr fired because he was too liberal.

Other examples of once-secret FBI documents can be seen at sfgate.com/campus. Obstacles of fees, censorship.

Initially, the FBI refused to comply with Rosenfeld's 1981 request until he agreed to pay thousands of dollars for processing the records. Thomas Steel, the late San Francisco constitutional lawyer, agreed to take the case pro bono and in 1985 sued for a waiver of the fees.

The FBI still refused, claiming release of the records would be of little benefit to the public. But in 1985, U.S. District Judge Marilyn Hall Patel concluded that the FBI's denial of a fee waiver was "arbitrary and capricious."

Patel ordered the bureau to waive all processing costs, ruling that Rosenfeld had "persuasively demonstrated . . . that his research requires meticulous examination of record(s) that may not on their face indicate much to an untrained eye."

Patel also ordered the FBI to release about 5,000 pages on Kerr and several other subjects -- but the bureau redacted thousands more documents, sometimes blacking out whole pages. The FBI

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claimed it had censored the records to protect law enforcement operations, personal privacy and national security.

So Rosenfeld filed a second lawsuit in 1985, challenging the redactions.

In 1988, then-U.S. Magistrate Claudia Wilken concluded that many of the FBI's deletions "were not well taken" and the information should be released.

The FBI challenged the ruling. The bureau claimed it had legal ground to investigate the FSM to determine whether it was influenced by communists and posed a threat to civil order.

In 1991, Patel adopted the magistrate's report with only minor changes. Patel ruled that Rosenfeld had presented "highly persuasive" evidence -- including the FBI's own records -- showing that the bureau's initially lawful investigation of the FSM later turned into political spying.

Patel also ruled that the FBI's files showed the bureau had investigated Kerr unlawfully.

The FBI even fought to keep secret information that already was public, the judge said, noting "these circumstances raise serious doubt about the care and good faith in which defendants have processed these requests."

The FBI asked Patel to reconsider her decision. She said no.

FBI's many appeals

The bureau appealed to the U.S. Court of Appeals for the Ninth Circuit. The FBI argued that judges have no authority to question whether FBI records concern legitimate law enforcement and that courts must therefore defer to the bureau's decisions to keep information secret -- a position that would have gutted the FOIA.

But in a 1995 decision by Judge Melvin Brunetti, the appeals court affirmed virtually all of Patel's opinion.

In the Free Speech Movement case, the appeals court said FBI memos "strongly" suggested the bureau sought to "harass political opponents of the FBI's allies among the Regents, not to investigate subversion and civil disorder."

In Kerr's case, the court said the records showed that "the FBI waged a concerted effort in the late 1950s and 1960s to have Kerr fired from the presidency of UC."

Those documents, the court added, "strongly support the suspicion that the FBI was investigating Kerr to have him removed from the UC administration, because FBI officials disagreed with his politics or his handling of administrative matters."

The FBI asked the court to reconsider the ruling. The court declined. The FBI then asked the entire Ninth Circuit, which comprises appeals judges throughout the western states, to reconsider. No judge agreed.

By now, five federal judges had ruled that the FBI repeatedly violated the FOIA by withholding records related to its campus operations.

Nonetheless, in 1995, the FBI asked the U.S. Supreme Court to review the decision. Before the high court acted, however, the FBI and Rosenfeld settled the case.

To promote government accountability, the FOIA requires that federal agencies pay the legal fees of plaintiffs who prove information was wrongly withheld. So the FBI incurred not only its own legal costs for trying to keep the records secret, but also paid Steel more than \$600,000 in legal expenses.

The 1996 settlement left the Ninth Circuit ruling on the books to help other requesters seeking public records.

More records remain unseen

The settlement also resolved a third suit filed by Rosenfeld in 1990 to force the FBI to release the rest of the records in a timely way.

The FBI claimed it was diligently handling the request, but Patel found that the FBI had engaged in "deliberate . . . delay." The court concluded, "At the FBI's current rate, processing of plaintiff's FOIA request will take 40 years."

The FBI has yet to finish turning over the last of the records, said James Wheaton, the Oakland lawyer now handling the case.

Meanwhile, Attorney General John Ashcroft has announced a new policy under which the U.S. Department of Justice will defend federal agencies that seek to withhold records under the FOIA.

Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press, said the policy will make it harder for citizens to get federal records, particularly when the government makes claims of national security.

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HEARST *News & Features*

the campus files

A Chronicle Special Report

Where are they now?

Other key players

Seth Rosenfeld, Chronicle Staff Writer

Sunday, June 9,
2002

San Francisco Chronicle

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• **Richard Auerbach:** The special agent in charge of the FBI's San Francisco office from 1959 to 1961, Auerbach was alarmed when UC Berkeley students joined in the protest against HUAC at City Hall. He retired in 1961 and died at age 78 in 1989.

• **Charles Brennan:** The senior FBI official who was assigned to brief Reagan in 1967 on student protest at UC Berkeley became an assistant FBI director in charge of the domestic intelligence division. After retiring, he was a security consultant to the Mitre Corp. He died at age 77 in 2000.

• **Hugh Burns:** The chairman of the state Senate Fact-Finding Subcommittee on Un-American Activities retired from the Senate after 34 years in 1970, campaigned for Governor Reagan's re-election and was appointed by Reagan to the state Alcoholic Beverage Control Appeals Board. He died at age 86 in 1988.

• **Richard Combs:** The longtime chief counsel to Burns' subcommittee on un-American activities retired from legislative staff in 1970 and served as a federal magistrate in Tulare County. He died at age 91 in 1995.

• **Cartha "Deke" DeLoach:** Hoover's third in command retired in 1970 and became a vice president of PepsiCo. He is now affiliated with a South Carolina financial firm.

• **Herbert Ellingwood:** The former Alameda County assistant district attorney became Gov. Reagan's legal affairs adviser in 1969 and met with the FBI to discuss plans to fight student campus protest groups. He died at age 67 in 1998.

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- **Wesley Grapp:** The head of the Los Angeles FBI office who carried out Hoover's orders to give FBI information to senior regent Edwin Pauley, Grapp retired from the FBI in 1972 and headed security for Flying Tigers Airlines. He is retired.
- **Everett Jones:** The UCLA professor whom the FBI wrongly suspected of writing an offensive essay question about the FBI, Jones co-authored a 1966 book called "The Adventures of the Negro Cowboys." He retired in 1982 and died at age 74 in 1990.
- **Hardin Jones:** The UC Berkeley physiologist who bitterly opposed student protests and worked with the Burns committee and the FBI in the 1960s, Jones wrote a book on the dangers of marijuana in the 1970s. He died of a heart attack at age 73 in 1978.
- **Curtis Lynam:** The special agent in charge of the San Francisco FBI office from 1963 to 1967, Lynam told Hoover communists were not behind the Free Speech Movement. After leaving the FBI in 1967 he was named by Reagan to the state Parole Board and is now retired.
- **John McCone:** The CIA director who had arranged for the FBI to give Regent Edwin Pauley reports on the political backgrounds of students, faculty and other regents, McCone advised President Reagan's Commission on Strategic Forces in the 1980s. He died at age 89 in 1991.
- **Edwin Meese III:** The assistant Alameda County district attorney who prosecuted the Free Speech Movement protesters became Gov. Reagan's legal affairs secretary and helped handle campus unrest before serving as President Reagan's attorney general. He is a fellow at the Heritage Foundation in Washington, D.C.
- **Ed Montgomery:** The Pulitzer Prize-winning San Francisco Examiner crime reporter, who wrote stories alleging that the Free Speech Movement was a Marxist plot, retired in 1975. He died in St. Helena at age 82 in 1992.

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• **Don Mulford:** The six-term California assemblyman from the East Bay, who helped arrange for the FBI to supply Governor Reagan with information on UC Berkeley students, faculty and administrators, retired from the Legislature in 1970 and served as state protocol officer. He died at age 84 in 2000.

• **Edwin Pauley:** The millionaire oilman, regent and UC donor who worked with the FBI to oust Kerr, Pauley retired from the Board of Regents in 1972 after 32 years. He died at age 78 in 1981.

• **Mario Savio:** The fiery spokesman for the 1964 Free Speech Movement dropped from sight for much of the 1970s, earned his bachelor of science and master's degrees in physics at San Francisco State University and taught at Sonoma State University. He died of a heart attack at age 53 in 1996.

• **Alex Sherriffs:** The UC Berkeley psychology professor and vice chancellor for student affairs served as Gov. Reagan's chief educational adviser from 1967 to 1973 and then as vice chancellor of the California State University and Colleges system. He is retired.

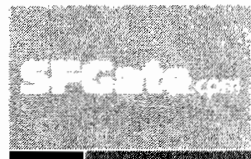
• **John Sparrow:** The associate general counsel to the UC regents during the early 1960s gave information about campus events to the FBI, the Reagan administration and the Burns committee. He is retired.

• **William Wadman:** The former UC security chief was the first university police officer to attend the FBI national academy and was a campus source for the bureau. He died at age 97 in 2000.

• **Jack Weinberg:** The former student whose arrest for distributing civil rights literature on campus ignited the Free Speech Movement, Weinberg also coined the slogan "Don't trust anyone over 30" and became a labor organizer and environmental activist. He is 62.

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"The Campus Files" special report is based on previously secret FBI records. All dialogue quoted in the story is taken from FBI memos, unless noted otherwise. The story is also based on:

Extensive interviews with current and former FBI agents, university officials, scholars and congressional investigators;

Material from official University of California records at the Bancroft Archives, Gov. Reagan's papers at the Ronald Reagan Presidential Library, papers of other Reagan staff and associates at the Hoover Institution at Stanford University, and oral histories of various regents and officials of the Brown and Reagan administrations that were conducted by the University of California oral history project;

"Final Report, Intelligence Activities and the Rights of the Americans, 1976, by the U.S. Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities," also known as the Church committee report.

The following books were especially useful in providing context for the FBI activities disclosed in the bureau's files:

On Reagan: "Nofziger," by Lyn Nofziger; "With Reagan: The Inside Story," by Edwin Meese III; "Reagan," by Lou Cannon; "Reagan's America: Innocents at Home," by Garry Wills; "Ronald Reagan, His Life and Rise to the Presidency," by Bill Boyarsky.

On UC Berkeley: "Berkeley at War: The 1960s," by W. J. Rorabaugh; "The Free Speech Movement: Coming of Age in the 1960s," by David Lance Goines; "The Beginning: Berkeley, 1964," by Max

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Heirich; and "The Gold and the Blue: A Personal Memoir of the University of California, 1949-1967," by Clark Kerr.

On the FBI: "From the Secret Files of J. Edgar Hoover" and "Chasing Spies," both by Athan Theoharis; "Hoover's FBI: The Inside Story," by Cartha DeLoach; "FBI and I: One Family's Life in the FBI During the Hoover Years," by Curtis Lynam; "The Life and Times of an FBI Agent," by Donald Kuno; "J. Edgar Hoover: The Man and the Secrets," by Curt Gentry; and "Secrecy and Power: The Life of J. Edgar Hoover," by Richard Powers; "The Age of McCarthyism: A Brief History With Documents," by Ellen Schrecker; and "Compromised Campus: The Collaboration of Universities with the Intelligence Community, 1945-1955," by Sigmund Diamond.

Two nonprofit foundations, the Deer Creek Foundation and the Stern Family Fund, provided grants that supported the early reporting of this project.

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The New York Times

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SUNDAY, JUNE 16, 2002

The Bad Old Days at the F.B.I.

Clark Kerr, who was president of the University of California from 1958 to 1987, had a witty send-off when the state's board of regents — upset by the rising tide of protests on campus — removed him from office. He was leaving as he came, he declared, “fired with enthusiasm!” What Mr. Kerr did not know at the time was that he was also fired, at least in part, by the Federal Bureau of Investigation.

According to newly released documents, the F.B.I. waged a defamation campaign against Mr. Kerr, whom J. Edgar Hoover, the F.B.I. director, regarded as too liberal, passing on false information about him to conservative regents. The F.B.I. also spied on Berkeley faculty members, staff and students whose politics it despised. And it sabotaged Mr. Kerr's attempt to join the Johnson administration.

These revelations, first reported this month in *The San Francisco Chronicle*, came to light as a result of a 17-year campaign by a reporter there to obtain the records under the Freedom of Information Act. The documents provide disturbing new details of the F.B.I.'s abuse of power in the 1960's, and they are a cautionary tale for today, as the Bush administration aggressively expands the role of domestic intelligence operations.

The F.B.I. was drawn into University of California politics, remarkably, by a question on a 1959 English aptitude test. It asked high school students applying to the university what the dangers were to a democracy when a “national police organization, like the F.B.I., . . . operates secretly and is unresponsive to public criticism.” Mr. Hoover was enraged and engaged in a covert campaign to make the university repudiate the question. Under pressure

from Gov. Edmund G. (Pat) Brown, the school retracted the question and professed its “highest respect” for the F.B.I.

Throughout the 1960's, according to *The Chronicle*, the F.B.I. investigated not only students active in Berkeley's Free Speech Movement, but also their family members, a CBS reporter who covered them and a company that produced an album of Free Speech Movement Christmas carols. It also prepared a 80-page report on the school's political makeup, including a list of faculty whose politics the bureau found questionable, who were to be detained in case of a national emergency, without a judicial warrant.

Among the faculty members under F.B.I. watch were 54 professors whose families subscribed or contributed, in the bureau's view, to “subversive publications,” and others who were involved in “illicit love affairs, homosexuality, sexual perversion, excessive drinking or other instances of conduct reflecting mental instability.” The records also detail how the F.B.I., when called on to conduct a routine background check on Mr. Kerr in 1964 to clear him to be appointed secretary of Health, Education and Welfare, falsely portrayed him as “pro-Communist.” President Lyndon Johnson ultimately decided not to appoint Mr. Kerr to the post.

The documents should be required reading for the Bush administration and Congress as they consider how to reconfigure domestic intelligence. These accounts of the F.B.I.'s malfeasance are a powerful reminder of how easily intelligence organizations deployed to protect freedom can become its worst enemy.

See The Campus Files Story – and once secret FBI records - at:

www.sfgate.com/campus